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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CHIEU, PO LIN	
ART UNIT	**PAPER NUMBER**
2615	6

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/469,865	WINTER, MARCO	
	Examiner	Art Unit	
	Polin Chieu	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-12 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,5 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 9 and 10 are objected to because of the following informalities: both claims 9 and 10 end "the a defined playing time". The claims should be amended to recite, "the defined playing time". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamura et al (6,075,920).

Regarding claim 1, Kawamura et al discloses a replay appliance for accessing at a defined playing time information stored on a recording medium containing information blocks (fig. 2); a scanning device for scanning data on a recording medium (col. 14,

lines 54-65); search means for binary searching of the recording medium on the basis of replay time (col. 5, lines 58-67); and a comparator for comparing a replay time which has been scanned from the recording medium with a desired replay time, wherein the scanning device scans the recording medium at a point which corresponds to a result of a comparison by the comparison by the comparator to access information at the defined playing time (col. 14, line 66 – col. 15, line 42).

Regarding claim 2, Kawamura et al discloses that the search means for a binary searching is a comparator for comparing the information read from the recording medium with a binary word, and an evaluator for evaluating a recording medium replay time contained in a file associated with the binary word (col. 14, line 66 – col. 15, line 42).

Regarding claims 4 and 5, Kawamura et al discloses that the binary word is a designator recorded on the recording medium and is a navigation sector designator (col. 5, lines 49-67).

Regarding claim 6, Kawamura et al discloses that the desired replay time is a replay time which is intended for access, at a defined playing time, to the recording medium (col. 14, line 66 – col. 15, line 42).

Regarding claim 7, Kawamura et al discloses that the desired replay time is a replay time provided within a tolerance window, for access, at a defined playing time, to the recording medium (col. 14, line 66 – col. 15, line 15).

Regarding claim 8, Kawamura et al discloses that the comparator for comparing a replay time that has been found with a desired replay time drives the scanning device

to a point on the recording medium which corresponds to the result of the comparison (col. 14, line 66 – col. 15, line 42).

Regarding claims 9 and 10, Kawamura et al discloses that for access at a defined playing time, the comparator drives the scanning device to a point on the recording medium which corresponds to the defined playing time; and the scanning device is controlled using an iterative approximation method to a point on the recording method to a point on the record medium which corresponds to the defined playing time (col. 14, line 66 – col. 15, line 42).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al in view of Carter et al (5,845,331).

Regarding claim 3, Kawamura et al discloses comparing information read from the recording medium with a binary word (col. 5, lines 49-67 and col. 14, line 66 – col. 15, line 42). However, Kawamura et al does not disclose that the comparator is a mask.

Carter et al teaches a masked comparator (fig. 14B).

Digital data is packetized into bytes, which consist of 8 bits. Mask comparators allow comparison of specific bits in a byte. It would have been highly desirable to have

a mask comparator so that the specific bits representing time information could be compared with the desired playback time indicated by the user.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a mask comparator in the device of Kawamura et al.

Regarding claim 11, Kawamura et al discloses that the binary word is a designator recorded on the recording medium (col. 5, lines 49-67).

Regarding claim 12, Kawamura et al discloses that the designator is a navigation sector designator (col. 5, lines 49-67).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yumine, Kim, Sawabe et al, and Tozaki et al disclose different types of recording devices allowing a time search operation to be performed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-Th 8:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PC
September 23, 2003